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To: Appeal Deciding Officer, Harv Forsgren, Regional Forester of the Intermountain Region
USDA-Forest Service
324 25th Street
Ogden, UT 84401

Dear Mr. Forsgren;

We are writing to appeal the November 2010 Record of Decision by Payette National Forest Supervisor Suzanne Rainville for the Payette NF Over-snow Travel Plan pursuant to 36 CFR Part 215. We do want to state up front that the decisions made in the ROD were a vast improvement from the preferred alternative in the FEIS, and definitely showed comments made by motorized recreation people were given consideration. However, the Over-snow MVUM that was distributed with the ROD is riddled with errors and must be fixed, and the statement in the ROD that the existing groomed trail system on the PNF lands and National Forest System Roads on the PNF is approximately 214 miles is inaccurate and must be clarified.

The two general areas where the Travel Management Plan and Record of Decision are deficient are: (1) Failure to adequately and clearly document proposed snowmobile area closures and the groomed snowmobile trails. (2) Failure to accurately define and quantify the existing groomed snowmobile trail system.

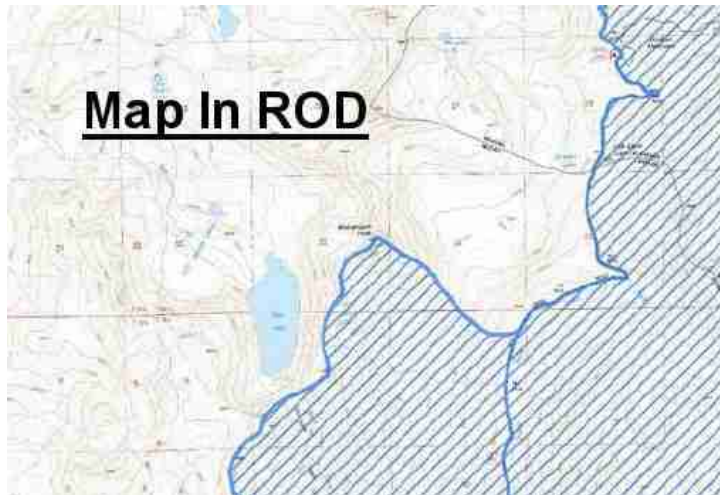
The fundamental method of informing the public of decisions made in the Travel Planning and Record of Decision is through the issuance of the Over-snow Motorized Vehicle Use Map. It is vital this map be an accurate representation of the conclusions and decisions made through the planning process. There can be no enforcement of the decisions made in the Planning process if the map does not accurately convey the intent of the decisions. The Over-snow MVUM issued by the Payette National Forest with the Record of Decision is in conflict with the text in the Record of Decision in several places.

Lick Creek. On page 8 of the ROD it states *"With this decision, over-snow motorized use will be prohibited as described in Alternative B, with the exception of a small area being opened up to motorized use to provide for snowmobile access from the Crestline Trail area over to Lick Creek Road."* In addition on page 9 the ROD states *"This area was modified and reduced from the Alternative E proposal to take into account comments from snowmobilers desiring access up and over from the Twenty Mile Lakes and Crestline Trail areas in to Lick Creek Road, which still remains open to motorized use. Duck Lake will still be accessible to snowmobiles."* The over-snow MVUM posted on the PNF web



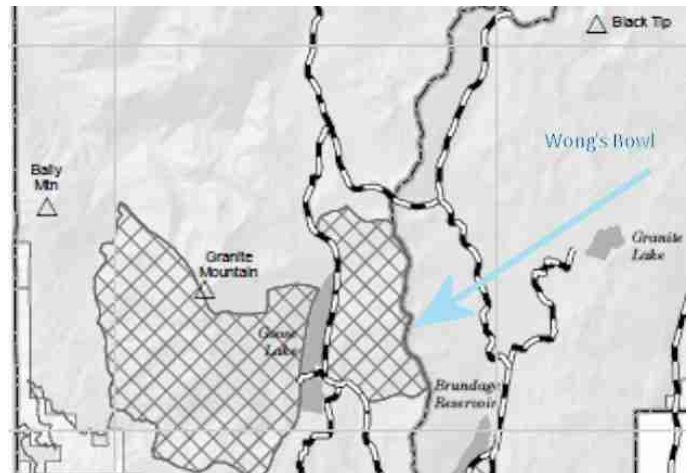
site with the ROD, and provided to the public by the PNF since issuing the ROD clearly shows there is no legal exit off the road near Lick Creek summit. (As shown in excerpt from the Over-snow vehicle use map on the preceding page.)

The map that shows this area in the ROD shows an entirely different closure boundary that would agree with the text in the ROD saying that snowmobiles would be allowed exit off the west side of the road near Lick Creek Summit. This error has been brought to the attention of PNF personnel by phone and we were told the Over-snow MVUM would be changed. An excerpt from map-3 on page 53 in the ROD on page is shown below.



A similar error exists in the Slab Butte closure in the vicinity of Wong's Bowl. On page 32 of the ROD it states *"The Wong's Bowl area remains open to over-snow motorized use in the Selected Alternative."*

The fact is the Slab Butte Closure area butts up against the Wong's Bowl and it would be imprudent to climb up out of Wong's Bowl with out crossing the ridge closure boundary (for the Slab Butte Closed area) as shown below in a photo and excerpt from the Over-snow MVUM. The bowl is too steep to make high up turns safely: it really is a matter of safety to climb all the way up and over the top.

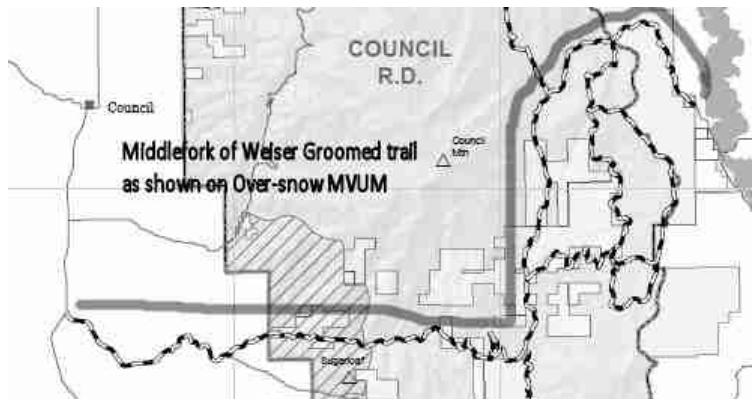


Groomed Trails

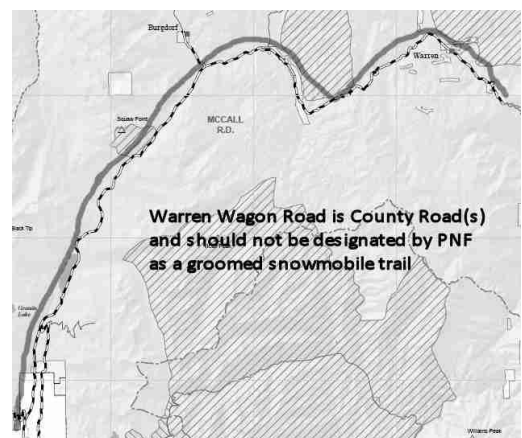
The Over-snow MVUM also shows the trails that are groomed by the Valley County groomers and two trails that are not groomed by Valley County, but were requested by Tamarack Resort (some of the mileage of the Tamarack requested trails is on State land.) Some of the trails shown on the Payette National Forest Over-snow MVUM are actually on the adjacent Boise National Forest or are under administration by the BNF; including, Mill Creek Summit, Gibson Creek, Anderson Creek and No Business groomed trails. Many miles of groomed trail miles shown on the map are located on county roads including Valley, Adams and Idaho counties. This seems to be in stark contradiction to statements on page 3 of the ROD that states. ***“The Over-snow Vehicle Use Map designates roads, trails, and areas on National Forest System land where use by over-snow vehicles is allowed, restricted or prohibited, and use of over-snow vehicles that is not consistent with these designations is prohibited by federal regulations. Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority, including roads administered by the counties under Forest Roads and Trails Act (FRTA) easement, is not prohibited by this decision.”***

There are important practical differences between how groomed snowmobile trails are managed depending upon the underlying jurisdiction. For example the Forest Service is very explicit about defining an over-snow vehicle as shown in the Over-snow MVUM it states ***Over-snow vehicles are defined to be "A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow." Wheeled vehicles are not over-snow vehicles, even when operating over snow (36CFR 212.1). The use of wheeled vehicles over snow is governed by 36 CFR 212.51 and FSM 7715, 7716 and 7718.***

There are no such parallel laws controlling the use of vehicles on most county, State and private roads and this creates serious problems in compliance for the traveling public. In addition there is an Idaho State Statute (67.7112) (shown in totality on the next page of this appeal) that prohibits all motorized vehicles (other than snowmobiles) which includes tracked ATVs on groomed trails unless authorized by County ordinance. Therefore the designation of use of over-snow vehicles on groomed trails by the PNF is technically in violation of Idaho State Law (even on National Forest System Roads -- which may not have been intended) The law would certainly apply to all groomed trails on County and private Roads. For example: the groomed trail shown on the Over-snow MVUM from Tamarack Falls Trailhead to Highway 95 down the Middle fork of the Weiser River Road is under County jurisdiction (the east end of the trail is Valley County and the west end is in Adams County). This road is shown as a County road in the Motor Vehicle Use Map for the Payette National Forest. By displaying this road as a designated groomed snowmobile trail the public would expect that the rules in the Over-snow MVUM would apply (such things as wheeled vehicles would not be allowed when in fact at least on the Valley County end of the trail they are allowed by practice although Valley County has not yet passed an ordinance that would allow wheeled vehicles on this road; therefore, State Law would apply and even tracked vehicles that would be allowed under the PNF definition of over-snow vehicles would be prohibited. This situation gets more absurd when you add in the fact the far west end of the trail has never been groomed (no snow - low elevation) and the trailhead is not at Highway 95, rather it is several miles east of Highway 95. Several groomed trails on PNF System Roads tie into this county road.



The Warren Wagon Road represents a similar problem for the traveling public. The Warren Wagon groomed trail shown on the Over-snow MVUM starts at a trailhead on state property, the first few miles up to Secesh Summit are on a Valley County road across state lands then on a Valley County Road across PNF lands (courtesy of a FRTA easement) then the road jurisdiction transfers to Idaho County. The road is shown on the summer MVUM as a county road all the way from McCall to well past Warren.



TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 71

RECREATIONAL ACTIVITIES

67-7112.GROOMED SNOWMOBILE TRAILS. Any all-terrain vehicle operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be registered as a snowmobile under the provisions of section [67-7103](#), Idaho Code. Counties shall have the option to allow all-terrain vehicles, if registered, to use snowmobile trails in the county. No other vehicles shall operate on groomed snowmobile trails unless specifically allowed by the county. Violation of the provisions of this section shall be an infraction.

The solution to all these problems is simple: delete all designations of groomed trails that are on other National Forests and on County Roadsoff the PNF Over-snow MVUM.

Missing groomed Trails There are two new trails added to the system last year that are not on the Over-snow MVUM. These trails are the trail off the Red Ridge Trail up to No Business Mtn. and the trail from Cow Camp south to the base of Council Mtn. that goes by the old Deseret Cabin. The trail up to No Business Mtn. does show on the snowmobile map being provided by the PNF West Zone Recreation Group, but the trail up towards Council Mtn. does not show on the snowmobile map being distributed by the West Zone Recreation Group. These trails need to be added to the Over-snow MVUM.

The ROD on page 5 states “**Currently, approximately 214 miles of trail (on National Forest System land) are groomed. Any new trail grooming opportunities would be addressed under the Cost Agreement, but would need to fall within the allowed and au thorized trail mileage amount.**” This number of 214 miles appears to be too high when the actual miles of groomed trail on the Payette National Forest are closely examined. Copies of the Over-snow MVUM were compared with the 2010 MVUM to identify the groomed trails that are shown as being under County jurisdiction, and the 2007 Payette Visitors/Travel Map was used to identify groomed trails that are on private roads and on the Boise National Forest. A complete and detailed accounting of the groomed trail system shown on the Over-snow MVUM for the Payette NF is shown in Table 1. Also enclosed is a marked up copy of the Over-snow MVUM that is broken into the links shown in Table 1: jurisdiction of the underlying road/land is also shown by color coding of the groomed snowmobile trails shown on the Over-snow MVUM. As displayed in Table 1 the total miles of groomed trails on PNF lands and Payette NF System Roads is far less than the 214 miles stated in the ROD. The ROD also states the maximum miles of groomed trails for the Forest is 234 miles thus the maximum increase allowable is 20 miles without a large environmental study to allow the increase. It is our contention the number 214 grossly overstates the existing miles of groomed trails under PNF jurisdiction on the PNF and needs to be reduced to something that is defensible. The data in Table 1 was developed from taking mileages from old and new maps (one supplied by the PNF West Zone Recreation Group in November 2010) provided by the PNF, by using a K&E Engineers wheel on the 2007 PNF Visitor/Travel MAP, and by

using Google Maps. We believe this data is less precise than the GIS data base managed by the PNF and should be checked and updated by digital means.

The over arching questions relative to groomed trails and the Over-snow MVUM for the PNF is “why is it necessary or advisable to show any groomed trails on this map?” As stated on page 3 of the ROD “*Use by over-snow vehicles on National Forest System roads and National Forest System trails and in areas on National Forest System lands may be allowed, restricted, or prohibited under 212.81 of the Final Travel Management Rule of November 9, 2005.*” Section 212.51 of the 2005 TravelRule specifically excludes over-snow vehicles from the requirement to designate motor vehicle use.

The only conceivable circumstances that would mandate for clarity purposes, the designation of groomed snowmobile trails would be where the Forest Service exercised the authority cited above to close an area or a National Forest System road to over-snow use, but still wanted to allow the existence of a groomed snowmobile trail (and presumable the use of the trail by snowmobiles) across the PNF area or National Forest System road (or more likely a portion of a closed National Forest System road). A detailed review of the PNF Over-snow MVUM shows there are no circumstances where groomed trails cross over any closed areas or closed National Forest System roads. The potential for this to occur did exist along the Hazard Lake National Forest System road where the two proposed seasonal closure areas for Slab Butte and Granite Mountain occur. Had these two closures been combined then the Hazard Lake National Forest Service System Road would have been closed and grooming along this route would have to stop. However the forest did not combine the two closures and instead defined them in such a way that the Hazard Lake road was excluded from both closures.

All other groomed trail routes on PNF National Forest System roads or across PNF lands have no similar circumstances and the only other over-snow closure on the PNF Over-snow MVUM on both sides of a groomed trail is adjacent to a County road where the PNF lacks authority to designate motor vehicle use. The remaining over-snow closures are only on one side of various Forest roads (both National Forest System roads and other jurisdiction roads) and are defined so as not to include the roads themselves.

By showing the groomed snowmobile routes on or near the PNF on the Over-snow MVUM there is a strong message to the public that somehow this is a PNF “program”, where as, the “program” is actually a combined effort of the Boise and Payette National Forests where they have formally joined with the State of Idaho and Valley County through a memorandum of understanding to accomplish snowmobile grooming across million of areas of National Forest Lands, State Lands, County roads (including Valley, Adams and Idaho counties) and private roads and lands. It is not obvious to the public how showing the groomed snowmobile routes on the PNF Over-snow MVUM promotes any useful public policy. The map is not nearly as informative to the traveling public as the existing snowmobile maps. A big advantage to the snowmobile maps is they contain additional information on landmarks, and the intersections of the various links is shown on the snowmobile maps and posted in the field.

Slab Butte Closure. We have reviewed the appeal by ISSA and incorporate by reference everything in that appeal that applies to the slab butte closure. In addition we offer the following observations. This closure is reportedly being put in place for the benefit of non motorized recreation. We are unable to visualize how this land can be utilized in winter by people involved in non motorized recreation. It is just to far from any trail head for people to snow shoe or ski into for a day recreation activity. It appears that if there is to be any significant use by non motorized recreation the Hazard Lake Road would to be plowed out to at least Goose Lake and a new trail head established in that area.

Another possibility would be the establishment of over night lodging in the Goose Lake area that would allow multi day non motorized recreation. If either of these are options contemplated by the PNF, the travel plan and ROD should have indicated this.

In our discussions with other snowmobilers that ride this area (we do not) they tell us ski tracks are seen very very infrequently, and most snowmobile travel is through 4 east/west corridors where the terrain and vegetation make snowmobile travel practical. Thus it seems this should be an area where shared use should be doable.

The only other winter recreation option, excluding snowmobiling, we can visual for this area would be heavily dependent upon motorized access and that could include cat skiing, helicopter skiing or snowmobile skiing and the Travel Plan did not provide plans for any of those for this area. The only one of these that appears rational without additional NEPA analysis is the snowmobile skiing, because snowmobiles could get skiers to the eastern edge of the closure by accessing it off the Fisher Creek Road. Again, the Travel Plan is silent about how this closure for non motorized recreation is expected to work. We assume that if cat skinning or helicopter skiing is ever considered a new EIS will be performed, but as discussed in the ISSA appeal if hybrid snowmobile/skiing is the concept then this should be clarified and analyzed in the Travel Plan. This is an extremely small segment of the winter recreationists, and the Lick Creek Summit area has also been designed with them in mind.

In summary, we are asking for correction, clarification and rational explanation of the following items in the Record of Decision, and the Over-snow MVUM. If this is not done we request the decision be overturned.

1. Clarify access off the county road near Lick Creek Summit on the Over-snow MVUM.
2. Clarify how hill climbing in Wong's Bowl can be safely accomplished with out violating the Slab Butte closure
3. Revise the number given for groomed snowmobile trails on PNF National Forest System roads and PNF System lands to accurately reflect the **actual** existing groomed system.
4. Delete all groomed snowmobile routes from the PNF Over-snow MVUM.
5. Clarify what non motorized use is anticipated for Slab Butte Closure.

If item 4 above cannot be accomplished then we also request:

5. Add in the two missing groomed trails.
6. Delete the two designated trails that have never been groomed.
7. Correct the Over-snow MVUM to properly display groomed snowmobile trails that are on lands and roads under the jurisdiction of the PNF and develop a **detailed and accurate listing and count** of these same groomed trails.
8. Add a point of clarification to the Over-snow MVUM of the laws and rules (Federal, State and Local) the traveling public is required to know and understand in order to lawfully travel on groomed trails on and near the Payette National Forest. Please consider amending the Federal rules so as to conform to Idaho State Laws relative to vehicles allowed on groomed snowmobile trails, or work with the counties to enact ordinances that comply with Federal Rules. It is understood federal rules would apply to motorized travel off the groomed trails while on PNF lands and National Forest System roads.

Thank you for considering our comments and request.

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